

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAY SCHUYLEMAN,

Plaintiff,

v.

BARNHART CRANE AND
RIGGING CO., et al.,

Defendants.

CASE NO. C23-0562JLR

ORDER

Before the court is Plaintiff Jay Schuyleman’s opposed motion for an extension of time to file his response to Defendants Barnhart Crane and Rigging Co. and Barnhart Crane and Rigging, LLC’s (together, “Barnhart”) motion to dismiss his second amended complaint. (Mot. (Dkt. # 33); *see* MTD (Dkt. # 32).) Barnhart’s motion to dismiss is currently noted for October 13, 2023. (*See* MTD.) Betty Chen, counsel for Mr. Schuyleman, avers that Mr. Schuyleman retained her to represent him on August 29, 2023. (Chen Decl. (Dkt. # 33-1) ¶ 2.) She states that she is changing law firms—from

1 Fish & Richardson, P.C., to Desmarais, LLP—“within the next week” and intends to
2 continue as counsel for Mr. Schuyleman after she moves to her new firm. (*Id.* ¶ 3.) Ms.
3 Chen further represents that she emailed counsel for Barnhart on September 26, 2023, to
4 request a two-week extension of the noting date for the motion to dismiss to
5 accommodate her law firm change, her recent appearance in this case, and the Columbus
6 Day holiday. (*Id.* ¶ 4, Ex. 1 (email thread).) Barnhart’s counsel responded that his client
7 ordinarily would agree to such an extension, but declined to do so in this instance because
8 it is “unwilling to delay resolution [of this matter] further.” (*Id.*)

9 Under Local Civil Rule 7(j), motions for relief from a deadline “should, wherever
10 possible, be filed sufficiently in advance of the deadline to allow the court to rule on the
11 motion prior to the deadline.” Local Rules W.D. Wash. LCR 7(j). Ms. Chen does not
12 explain why she waited to file Mr. Schuyleman’s motion for an extension of time until
13 September 29, 2023, which resulted in a noting date that fell after her deadline to respond
14 to the motion to dismiss. (*See generally* Chen Decl.) Nevertheless, the court exercises its
15 discretion under Federal Rule of Civil Procedure 1 to decide this motion before its
16 October 13, 2023 noting date and GRANTS Mr. Schuyleman’s motion for an extension
17 of time (Dkt. # 33). *See* Fed. R. Civ. P. 1 (directing courts to construe the Federal Rules
18 of Civil Procedure “to secure the just, speedy, and inexpensive determination of every

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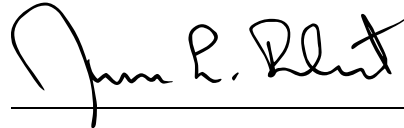
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1 action and proceeding”). The Clerk is DIRECTED to rene Barnhart’s motion to
2 dismiss (Dkt. # 32) for October 27, 2023.

3 Dated this 2nd day of October, 2023.

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6 JAMES L. ROBART
7 United States District Judge
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